

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

GABRIELA A. MAGNUSSEN

v.

**MARLENE SCOTT BELCHER, and
SCHNEIDER NATIONAL CARRIERS,
INC.**

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Civil Cause No.3:17-cv-02102

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **MARLENE SCOTT BELCHER, and SCHNEIDER NATIONAL CARRIERS, INC.**, Defendants in the above-referenced matter, and files this its Notice of Removal under 28 U.S.C. § 1332(a).

**I.
INTRODUCTION**

1. Plaintiff GABRIELA A. MAGNUSSEN is an individual citizen and resident of the State of Texas.

2. Defendant SCHNEIDER NATIONAL CARRIERS, INC., is a foreign corporation duly registered and incorporated and maintaining its principal place of business within the state of Wisconsin.

3. Defendant MARLENE SCOTT BELCHER is an individual citizen and resident of the State of Tennessee.

5. Defendant MARLENE SCOTT BELCHER was served with suit on July 24, 2017. Defendant SCHNEIDER NATIONAL CARRIERS, INC., was served with suit on or about July 21, 2017. Defendants, therefore, have filed this Notice of Removal within the thirty-day time period required by 28 U.S.C. § 1446.

6. Plaintiff has sued Defendant MARLENE SCOTT BELCHER asserting negligence and Defendant SCHNEIDER NATIONAL CARRIERS, INC., asserting that the alleged negligence on the part of Defendant MARLENE SCOTT BELCHER can be imputed to SCHNEIDER NATIONAL CARRIERS, INC., on the doctrine of *respondeat superior* in the 192nd Judicial District Court of Dallas County, Texas, Cause No. DC-17-07579.

II.

BASIS FOR REMOVAL

7. Removal is proper under 28 U.S.C. § 1332(a) because Plaintiff's suit is a civil action in which this Court has original jurisdiction over the parties, based upon diversity jurisdiction under 28 U.S.C. § 1332. This action is one which is removable to this Court pursuant to the provisions of 28 U.S.C. § 1441(b) because Plaintiff is a citizen of the State of Texas, Defendants MARLENE SCOTT BELCHER is a citizen of Tennessee, and SCHNEIDER NATIONAL CARRIERS, INC., is a Wisconsin corporation with its principal place of business in Wisconsin.

8. The Defendants are now, and were at the time the removed action was commenced, diverse in citizenship from the Plaintiff. 28 U.S.C. § 1332. Accordingly, because the notice of removal was filed within thirty days (30) after the receipt of a copy of the initial pleading setting forth the claim for relief this removal is proper and timely under 28 U.S.C. § 1446(b).

9. The amount in controversy in this action exceeds, exclusive of interest and costs, the sum of Seventy-Five Thousand and No/100 Dollars (\$75,000.00). Plaintiff's Original Petition, attached to this Notice, alleges that Plaintiff intends to show that her damages exceed \$100,000. *See Plaintiffs' Original Petition, page 1.*

10. All pleadings, process, orders, and all other filings in the State Court action are attached to the Notice of Removal as required by 28 U.S.C. § 1446(a) and are resubmitted herewith.

11. The United States District Court for the Northern District of Texas, Dallas Division, embraces Dallas County, Texas, the place where the State Court Action was filed and is pending. This statement is not meant as a waiver of any argument that venue is proper in the location in which the State Court Action was filed, but merely demonstrates the propriety of removing the action to this federal judicial district.

12. Defendants filed a copy of the Notice of Removal with the Clerk of the State Court in which the action had been pending.

13. Defendants hereby demand a trial by jury in accordance with the provisions of FED. R. CIV. P. 38.

WHEREFORE, Defendants, as a party in diversity with the Plaintiff, respectfully request that this action be immediately and entirely removed upon filing this Notice of Removal to the United States District Court for the Northern District of Texas, Dallas Division, and for such other and further relief to which they may show itself to be justly entitled.

Respectfully Submitted,

FEE, SMITH, SHARP & VITULLO, L.L.P.

/s/ Michael P. Sharp

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of August, 2017, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the electronic records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Gina Giblin
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/s/ Michael P. Sharp

MICHAEL P. SHARP
